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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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KRISTIN K. MAYES, Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF
THE TOWN OF SAHUARITA TO UPGRADE AN
EXISTING CROSSING OF THE UNION PACIFIC
RAILROAD AT LA CAÑADA DRIVE IN THE
TOWN OF SAHUARITA, PIMA COUNTY,
ARIZONA, AT DOT CROSSING NO. 742-159-T.

DOCKET NO. RR-03639A-08-0618

PROCEDURAL ORDER

BY THE COMMISSION:

On December 29, 2008, the Town of Sahuarita ("Town") filed with the Arizona Corporation Commission ("Commission") an application to upgrade an existing crossing of the Union Pacific Railroad ("Railroad") located at La Cañada Drive in the Town, in Pima County, and described as DOT Crossing No. 742-159-T. The application explained that the Town desires to upgrade the crossing, at the Town's expense, as part of a Town roadway widening project.

On January 28, 2009, a Procedural Order ("PO") was issued scheduling a hearing in this matter for March 30, 2009, and establishing other procedural requirements and deadlines. The PO required the Town, within five business days after receiving the PO, to send a copy of the application and PO by certified mail to the Railroad, the Arizona Department of Transportation, Pima County, and any other municipality or interested party that may be affected. The PO also required the Town to provide public notice of the application and hearing through publication, by February 20, 2009, in a newspaper of general publication in the area where the crossing is located, and to file certification of notice with the Commission's Docket Control as soon as practicable after notice had been published. In addition, the PO required the Commission's Safety Division Staff ("Staff") to file its Staff Report and associated exhibits to be presented at hearing by February 27, 2009.

Staff filed its Staff Report on February 24, 2009, but did not include a service list showing to whom the Staff Report was sent.

1 In addition, it appears that when the Town provided its contact address in its application, it
2 provided the wrong zip code, which may have resulted in delay or nondelivery of prior documents,
3 but has now been corrected in the Commission's service list in e-Docket.

4 For the hearing to proceed on March 30, 2009, it is necessary to obtain from the Town
5 certification that notice has been provided by the Town as required by the PO and confirmation that
6 the Town has received adequate notice of the hearing and the Staff Report and is ready to proceed. It
7 is also necessary to obtain from Staff verification that the persons listed on the service list for this
8 docket have been provided with copies of the Staff Report sufficiently in advance of the hearing.

9 In addition, because it is unclear who will be appearing at the hearing to represent the Town
10 and the Railroad, it would be helpful to receive that information from the parties.

11 IT IS THEREFORE ORDERED that the **Town shall, by March 19, 2009**, file certification
12 that notice has been provided by the Town as required by the PO along with a document identifying
13 the attorney who will be representing the Town at the hearing. In addition, the Town shall indicate
14 whether it believes that it has received adequate notice of the hearing and the Staff Report and
15 whether it is ready to proceed to hearing on March 30, 2009.

16 IT IS FURTHER ORDERED that the **Railroad shall, by March 19, 2009**, file a document
17 identifying the attorney who will be representing the Railroad at the hearing.

18 IT IS FURTHER ORDERED that **Staff shall, by March 19, 2009**, file a document verifying
19 that copies of the Staff Report have been provided to all persons appearing on the service list for this
20 docket and stating the date/s those copies were provided. If Staff previously sent the Staff Report to
21 the Town using the incorrect zip code, Staff shall ensure that the Staff Report is sent to the Town's
22 correct address.

23 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
24 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to the practice of law and admission
25 *pro hac vice*.

26 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
27 Communications) applies to this proceeding and shall remain in effect until the Commission's
28 Decision in this matter is final and non-appealable.

IT IS FURTHER ORDERED that the presiding Administrative Law Judge may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this 12th day of March, 2009.


SARAH N. HARPRING
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 12th day of March, 2009, to:

TOWN OF SAHUARITA-PUBLIC WORKS
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Phoenix, Arizona 85007

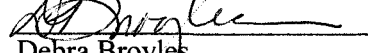
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By: 
Debra Broyles
Secretary to Sarah N. Harpring